

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Edward Silver et al.)	
)	
SERIAL NO.:	10/784,383)	ART UNIT:
)	2612
FILED:	February 23, 2004)	
)	EXAMINER:
FOR:	SYSTEMS AND METHODS FOR)	Blount
	IDENTIFICATION OF LOCATIONS))	

Via EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

REAL PARTY IN INTEREST

The real party in interest is AT&T Intellectual Property I, L.P., an entity owning certain assets of BellSouth Intellectual Property Corporation, the assignee of record.

RELATED APPEALS AND INTERFERENCES

There are no pending appeals or interferences related to this appeal.

STATUS OF CLAIMS

Claims 1-11, 14-16 and 18 have been canceled.

Claims 12, 13, 17 and 19-21 stand finally rejected.

The rejections of claims 12, 13, 17 and 19-21 are herein appealed.

STATUS OF AMENDMENTS

There have been no amendments filed after the final rejection mailed May 9, 2011.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below.

Claim 12 recites a method for identifying a location, comprising: storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location (Figure 1, element 18; page 7, lines 1-16); providing a view of surroundings to a user device worn by the user (Figure 1, element 14) in response to a position and orientation of the user (Page 8, lines 5-12), the view provided to the user device being the same user view as if the user were not wearing the user device (page 7, lines 17-25); determining a location in the view by determining the location in the view to be within a specified distance from the user (page 13, lines 6-15) and within an orientation of the view vis-a-vis the user orientation (page 6, lines 23-27); receiving target data from the user device corresponding to the location in the view (Figure 2, element 24; page 12, lines 10-16), the target data being an image of a target in the view of the surroundings (page 12, lines 20-21); identifying the location in the view in response to the target data (Figure 2, elements 26 and 28); and displaying identification information relating to the target data corresponding to the location on the view of the user surroundings to the user (Figure 2, element 30; page 12, line 26 – page 13, line 1), the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location (Figure 1, element 20, page 7, lines 1-16).

In embodiments of the invention, the identification information is displayed over a realistic view of the user's surroundings, as discussed in at least page 7, line 17 to page 8, line 4 of the specification.

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

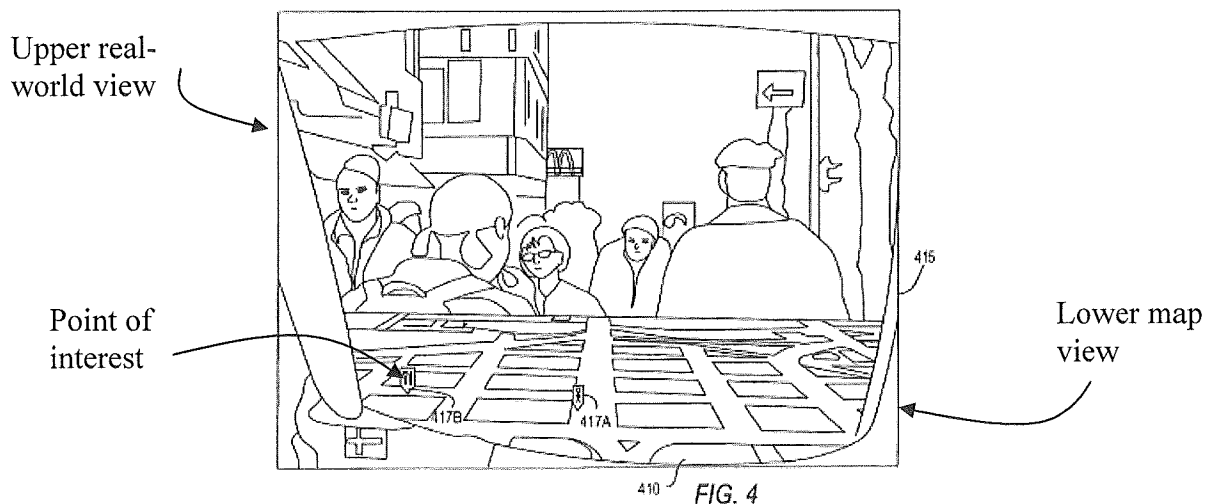
Claims 12, 13, 17 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokota in view of Bide and Hakala.

ARGUMENT

Claim 12 recites “providing a view of surroundings to a user device worn by the user in response to a position and orientation of the user, the view provided to the user device being the same user view as if the user were not wearing the user device; determining a location in the view by determining the location in the view to be within a specified distance from the user and within an orientation of the view vis-a-vis the user orientation . . . displaying identification information relating to the target data corresponding to the location on the view of the user surroundings to the user” (emphasis added).

The primary flaw in the final Office Action is the reliance on Hakala as disclosing “a system for identification of a location wherein identification information may be displayed in a user’s field of view” on page 3 of the final Office Action. It is important to note that the “view” claimed in claim 12 is “the same user view as if the user were not wearing the user device” and the identification information is displayed on this same view. Hakala lacks these features.

Hakala provides two “views” to the wearer of the device. Figure 4 depicts an upper view and a map view, divided by a horizon line 415. Hakala displays points of interest on **the map view**, as shown in Figure 4 and disclosed in column 12, lines 8-22. Figure 4 of Hakala is presented below for ease of reference.



The points of interest displayed in Hakala based on distance to the user are not displayed on a realistic view to the user, but rather are displayed on the map view. Claim 12 recites that the identification information is displayed “on the view of the user surroundings” and that the view of the user surroundings is “the same user view as if the user were not wearing the user device.” Hakala does not display the points of interest on the upper view of Figure 4.

If the “points of interest” in Hakala were incorporated into Yokota, the result would be presenting points of interest in a map view as disclosed by Hakala. This is contrary to claim 12, which recites “determining a location in the view by determining the location in the view to be within a specified distance from the user”, where the view is the “same view as if the user were not wearing the user device.” The map view of Hakala is not the “same view as if the user were not wearing the user device.” The map view in Hakala is an additional view to the person’s field of view (See Abstract of Hakala). As such, even if Yokota, Bide and Hakala are combined, the features of claim 12 do not result.

For at least the above reasons, claim 12 is patentable over Yokota in view of Bide and Hakala. Claims 13, 17 and 19-21 are dependent on claim 12 and are patentable over Yokota in view of Bide and Hakala for at least the reasons advanced with reference to claim 12.

CONCLUSION

In view of the foregoing, it is respectfully requested that the appealed rejections be reversed.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, the undersigned hereby authorizes that such fees be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: /David A. Fox/
David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: October 11, 2011

CLAIM APPENDIX

12. A method for identifying a location, comprising:

storing identification information associated with a delivery location, the identification information including a street address and a telephone number for the delivery location;

providing a view of surroundings to a user device worn by the user in response to a position and orientation of the user, the view provided to the user device being the same user view as if the user were not wearing the user device;

determining a location in the view by determining the location in the view to be within a specified distance from the user and within an orientation of the view vis-a-vis the user orientation;

receiving target data from the user device corresponding to the location in the view, the target data being an image of a target in the view of the surroundings;

identifying the location in the view in response to the target data; and

displaying identification information relating to the target data corresponding to the location on the view of the user surroundings to the user, the identification information including street address and telephone number for the delivery location to confirm that the image of the target is the delivery location.

13. The method of Claim 12, wherein displaying the identification information comprises displaying the identification information in association with the location on the view of the user surroundings.

17. The method of Claim 12, wherein identifying the location in the view includes using the position and the orientation of the user to identify the location.

19. The method of Claim 12, wherein the viewing apparatus transmits the position and orientation of the user to a position/location service to generate the view of the surroundings.

20. The method of Claim 12, wherein the viewing apparatus is worn in front of the user's eyes.

21. The method of Claim 20, wherein the target data is selected by tracking user gaze at the viewing apparatus.

EVIDENCE APPENDIX

Not Applicable

RELATED PROCEEDINGS APPENDIX

Not Applicable